

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/875,916	10/31/97	VINZ	VINZ-2

BROWDY & NEIMARK
419 7TH STREET NW
WASHINGTON DC 20004

IM81/0304

EXAMINER

KALAFUT, S

ART UNIT

1745

PAPER NUMBER

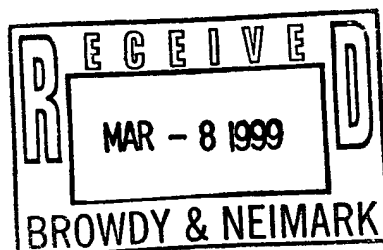
DATE MAILED: 03/04/99

DOCKETED

Amend = 04 JE 1999

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



BEST AVAILABLE COPY

Office Action Summary

Application No. _____

Applicant(s) _____

Examiner _____

Group Art Unit _____

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1745

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There are no antecedents for "the first electrode face" and "the second electrode face". The terms "high vapor pressure" and "low vapor pressure" are of indefinite scope. In claim 1, line 12, what "the latter" refers to is unclear. The use of brackets [] in the claims is confusing because these are normally used to indicated text which has been removed from the claims. In claim 3, the language of the first five lines is confusing and difficult to read. How something works "in principle" is not understood. The claim should define what happens in reality. The antecedent for "it" in line 5 of claim 3 is unclear. In claim 5, the "constant-remaining increase" and "constant-remaining vapour depletion" are confusing because if a value remains constant, it can neither increase nor decrease. What a "quasi electrostatic potential difference" is, in claim 6, is not understood. In claim 7, line 16, the solution recuperator is identified by two numerals. The phrase "according to claim 5"" in claims 7 and 8 appears to modify the load resistor or the activation source rather than the reaction cell. The claims are also confusing in that while they are drawn to a cell, they are replete with process details about the reaction taking place therein.

2. The disclosure is objected to because of the following informalities: The numerals 2, on page 2/6, line 16, and 21, on page 2/9, line 16, are not found in the drawings. Numeral 28.1, in figure 2, is not found in the specification. Appropriate correction is required.

Art Unit: 1745

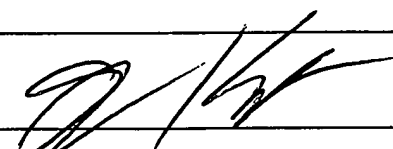
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishida *et al.* (US 4,711,828) and Miyabayashi *et al.* (US 5,759,711) disclose various cells using liquid feeds. Ryhiner *et al.* (US 3,350,232) discloses a cell with conical capillaries in a gelled electrolyte.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Kalafut whose telephone number is (703) 308-0433. If the examiner is not available, his supervisor, Maria Nuzzolillo, may be reached at (703) 305-3776. Any general inquiry, such as to the status of the application, may be directed to the Technology Center receptionist at (703) 308-0661.


STEPHEN KALAFUT
PRIMARY EXAMINER
GROUP 1700

sjk

February 26, 1999

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. VINZ=2		SERIAL NO. 08/875,916		
LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT: Peter VINZ		ATTACH #8		
				FILING DATE: 31 October 1997		GROUP: 1745		
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
SK	AA	WO92/08252	14MY1992	WIPO	—	—		XXXXXX
SK	AB	WO91/11237	08AU1991	WIPO	—	—		XXXXXX
OK	AC	33 02 635	02AU1984	Germany	—	—		XXXXXX
OTHER DOCUMENTS (Including Author, Title, Pertinent Page, Etc.)								
	AD							
	AE							
	AF							
	AG							
EXAMINER				DATE CONSIDERED				
				2/26/99				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to applicant.								

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948 (REV. 11-97)

U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

Application No.

08/875916

NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

The drawing filed (insert date) 08/98/97 are:

- A. ☐ not objected to by the Draftperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

☐ Color drawing are not acceptable until petition is granted.

Fig(s) _____

☐ Pencil and non black ink is not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ Photographs are not acceptable until petition is granted,

3 full-tone sets are required. Fig(s) _____

☐ Photographs not properly mounted (must be on board or photographic double-weight paper). Fig(s) _____

☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white and durable.

Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not acceptable. (too thin)

☐ Mylar, vellum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)

☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawings sheets not the same size.

Sheet(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

☐ Margins not acceptable. Fig(s) _____

☐ Top (T) _____ Left (L)

☐ Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

☐ Views connected by projection lines or lead lines.

Fig(s) _____

☐ Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig(s) _____

☐ Views not labeled separately or properly.

Fig(s) _____

☐ Enlarged view not labeled separately or properly.

Fig(s) _____

COMMENTS

REVIEWER

DATE 07-15-98

TELEPHONE NO.

703-305-8104

ATTACHMENT TO PAPER NO. 8

Notice of References Cited

Application No.

875916

Applicant(s)

VINZ

Examiner

KALAFIT

Group Art Unit

1745

Page

1 of 1

U.S. PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	3350232	10/67	RYHNER ET AL	429	46X
B	4711828	12/87	ISHIDA ET AL	429	15X
C	5759711	6/98	MIYABAYASHI ET AL	429	15
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					

FOREIGN PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

*	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)